

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CASE NO. 04-11539-JLT

**FILED
IN CLERKS OFFICE
2006 NOV 21 P 2:31
U.S. DISTRICT COURT
DISTRICT OF MASS.**

WALTER STICKLE, ANTHONY)
CALIENDO, JOHN PITINGOLO and)
DANIEL FISHER,)
Plaintiffs)
)
)
v.)
)
ARTHUR ORFANOS,)
Defendant)

**DEFENDANTS' MOTION TO DENY AND DISMISS THE PLAINTIFFS
REQUEST SEEKING ATTORNEY FEES AND COSTS AS FRIVOLOUS**

NOW COMES the Defendant in the above-captioned matter and respectfully moves this Honorable Court to deny and dismiss the Plaintiffs' motion seeking attorneys' fees and costs as frivolous. In support of this motion, the Defendant respectfully states:

1. This action and request is frivolous. The Defendant in no way caused the Plaintiffs to incur any legal expense whatsoever, and at no time both prior to or during this matter was negligent. Contrary to the statements made by the Plaintiffs, the Defendant respectfully reminds this court,

- a. Plaintiffs' previous request for attorney fees and costs was denied by this Honorable court on or about March 15, 2005.
- b. The attempts (and supporting evidence presented) in which the Defendant made, not only to resolve, but to prevent this litigation.
- c. The Defendant's current motion requesting sanctions.

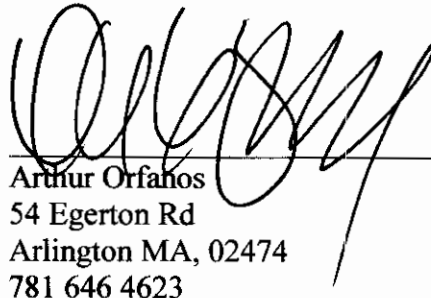
2. This matter has now perpetuated for approximately 28 months, without Cause, reason, and as stated numerous times, was most certainly avoidable.

3. For the foregoing, the Defendant respectfully requests that the Plaintiffs Motion seeking attorney's fees and cost is denied and dismissed as frivolous.

WHEREFORE, the Defendant respectfully prays that this Honorable Court deny and Dismiss The Plaintiffs motion seeking attorneys' fees and costs.

Dated November 17, 2006

respectfully submitted,
Arthur Orfanos



Arthur Orfanos
54 Egerton Rd
Arlington MA, 02474
781 646 4623

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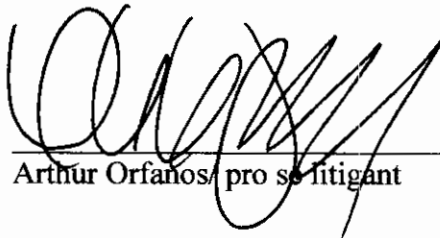
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<u>ARTHUR ORFANOS,</u>)
<u>Defendant</u>)
)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the within Defendant's motion to deny and dismiss the Plaintiffs' motion seeking attorneys' fees and costs as frivolous was this day served upon Plaintiffs by mailing same first class Postage prepaid to: Michael B. Newman, Attorney Of Plaintiff, of Clark, Hunt and Embry, 55 Cambridge Parkway, Cambridge MA, 02141. SIGNED under the pains and penalties of perjury

November 17, 2006



Arthur Orfanos/ pro se litigant